

Appl. No.: 09/880,574

Amendment Dated: 11/8/2005

Reply to OA of 5/12/05

REMARKS

This amendment is responsive to the Action dated May 12th, 2005. With this response, claims 1-54, as previously presented, remain pending. Support for the amendments can be found in the original specification, claims and/or drawings. In this regard, no new matter has been introduced.

§102(e) Rejection of Claims 1-3, 6-8, 12-14, 17-19, 23-25, 28-30, 33-35, 38-40, 44-46 & 49-51

In paragraphs 2 and 3 of the Action, the §102(b) rejection of claims 1-3, 6-8, 12-14, 17-19, 23-25, 28-30, 33-35, 38-40, 44-46 and 49-51 first presented in the initial Action were maintained.

In response, Applicant maintains its argument that the Action has failed to establish a prima facie for the §102 rejection of such claims in view of the Ramesh document. In particular, Applicant respectfully submits that Ramesh fails to anticipate or suggest adapting an interpolator to generate a plurality of data channel responses for the plurality of data symbols by interpolating the plurality of training channel responses.

In contradistinction, Ramesh expressly teaches reliance on a mobility characteristic transmitted via dedicated signal (414) (e.g., a broadcast access control channel (BACCh) that is separate and apart from the data signal (512). It is this mobility characteristic that is employed by the receiver to select the interpolation filter used by the receiver (col. 7, lines 29-38). Nowhere within the cited language does Ramesh teach or suggest that training symbols, embedded within data symbols, are extracted and used in adapting an interpolator.

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It is respectfully noted that anticipation under 35 USC § 102 requires the disclosure in a single prior art reference of each element of the claim under consideration. See *Verdegaal Bros. V. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ 2d 1051, 1053 (Fed. Cir. 1987).

However, it is not enough, that the prior art reference discloses all the claimed elements in isolation. Rather, "[a]nticipation requires the presence in a single prior reference disclosure of each and every element of the claimed invention, *arranged as in the claim.*" *Lindemann Maschinenfabrik GmbH v. American Hoist & Derrick Co.*, 730 F.2d 1452, 221 USPQ 481, 485 (Fed. Cir. 1984) (citing *Connell v. Sears, Roebuck & Co.*, 722 F.2d 1542, 220 USPQ 193 (Fed. Cir. 1983)) (emphasis added). "The *identical invention* must be shown in as complete detail as is contained in the ... claim." *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1913, 1920 (Fed. Cir. 1989); MPEP § 2131 (emphasis added).

In this case, Applicant respectfully submits that the Action has failed to establish a prima facie case of anticipation insofar as the Ramesh reference fails to disclose the *identical invention*. Accordingly, Applicant respectfully requests that the §102(e) rejection of, e.g., claim 1 be withdrawn.

Applicant notes that claims 6, 12, 17, 23, 28, 33, 38, 44 and 49 enjoy similar distinguishing features. Accordingly, Applicant respectfully submits that such claims are likewise patentable over the Ramesh document, and respectfully requests that the §102(e) rejection of such claims be withdrawn.

Claims 2, 3, 7, 8, 13, 14, 18, 19, 24, 25, 29, 30, 34, 35, 39, 40, 45, 46, 50 and 51 each depend from patentable base claims 1, 6, 12, 17, 23, 28, 33, 38, 44 or 49, respectively. Thus, in addition to any independent bases for the patentability of such claims, Applicant respectfully submits that such claims are patentable over the Ramesh reference by virtue of at least such

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dependency. Accordingly, Applicant respectfully requests that the §102(e) rejection of such claims be withdrawn.

§103(a) Rejection of cl. 4, 5, 9-11, 15, 16, 20-22, 26, 27, 31, 32, 36, 37, 41-45, 47, 48, 52- 54

In paragraphs 4 and 5 of the Action, claims 4, 5, 9-11, 15, 16, 20-22, 26, 27, 31, 32, 36, 37, 41-45, 47, 48 and 52- 54 were rejected as being obvious over the Ramesh document in view of a patent issued to Chan (USP 5,127,051). In response, Applicant respectfully traverses the rejection of such claims.

Applicant respectfully submits that the Chan reference is not cited as curing, nor does it cure the deficiencies in the Ramesh reference noted above. Accordingly, without accepting or adopting the characterization of the Chan reference provided in the Action, Applicant respectfully submits that claims 1, 6, 12, 17, 23, 28, 33, 38, 44 and 49 are not obvious in view of the Ramesh and/or the Chan references alone, or in combination.

Applicant notes that claims 4, 5, 9-11, 15, 16, 20-22, 26, 27, 31, 32, 36, 37, 41-45, 47, 48 and 52- 54 depend from patentable base claims 6, 12, 17, 23, 28, 33, 38, 44 or 49, respectively. Accordingly, claims 4, 5, 9-11, 15, 16, 20-22, 26, 27, 31, 32, 36, 37, 41-45, 47, 48 and 52- 54 are likewise patentable over the Ramesh and/or Chan references by virtue of at least such dependency. Accordingly, Applicant respectfully request that the §103(a) rejection of claims 4, 5, 9-11, 15, 16, 20-22, 26, 27, 31, 32, 36, 37, 41-45, 47, 48 and 52- 54 be withdrawn.

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CONCLUSION

Applicant respectfully submits that claims 1-54, as previously presented, are in condition for allowance and such action is earnestly solicited. *The Examiner is respectfully requested to contact the undersigned by telephone if it is believed that such contact would further the examination of the present application.*

Please charge any shortages and credit any overcharges to our Deposit Account number 50-0221.

Respectfully submitted,
SAMPATH, ET AL.

Date: November 8, 2005

by: /s/ Michael A. Proksch / Reg. No. 43,021 /
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